IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Stefan HACK et al.)	Group Art Unit: 3623
)	
Application No.: 09/609,714)	Examiner: Heck, Michael C.
)	
Filed: June 30, 2000)	Conf. No.: 2503
)	
For: Value Chain Optimization System)	
and Method)	

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GROUP 3600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR RECONSIDERATION

In response to the Final Office Action of April 2, 2004, the period for response to

which extends through July 2, 2004, Applicants request reconsideration of this

application in view of the following remarks.

In the Office Action, the rejections of claims 24-25 under 35 U.S.C. § 112, ¶ 1,

and of claims 1-57 under 35 U.S.C. § 101 were withdrawn, and claims 1-57 were

rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No.

5,630,069 to Flores et al. ("*Flores*") in view of a Business Wire article entitled "DeskTalk

Announces Next Generation TREND ReportPacks Automating Web-Based

Performance Reporting" ("*Business Wire Article*"). Applicants thank the Examiner for

withdrawing the §§ 112 and 101 rejections[1]. As for the § 103 rejection, Applicants respectfully traverse this rejection for the following reasons.

To establish a *prima facie* case of obviousness under § 103, the Examiner must demonstrate that (1) the references disclose or suggest each and every element recited in the claims; (2) there is a reasonable probability of success of any modification of the teachings of the references, and (3) there exists some suggestion or motivation, either in the teachings of the references themselves or in the knowledge generally available to one of ordinary skill in the art, to make such a modification in a manner resulting in the claimed invention. M.P.E.P. § 2143. In this case, however, a *prima facie* case of obviousness has not been established.

Claim 1 is directed to a "method for assisting collaboration between participants in a business community" and recites a combination of features including "providing on a display device . . . a business view depicting a plurality of interlocked polygons illustrating interactions between the participants, the polygons being positioned relative to each other to define the participants for the interactions; and deriving an interaction view from the business view . . . the interaction view depicting additional information between the participants." Neither *Flores* nor the *Business Wire Article* teaches or suggests, either singly or in combination, at least these features.

For example, neither *Flores* nor the *Business Wire Article* teaches or suggests "depicting a plurality of interlocked polygons illustrating interactions between the participants, the polygons being positioned relative to each other to define the

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[1]   Applicants do not agree with the views expressed in the Office Action regarding the § 101 rejection.

participants for the interactions," as required by claim 1. Although the Office Action admits that neither *Flores* nor the *Business Wire Article* teaches these features, the Office Action asserts that the "interlocked polygon" language recited in claim 1 is "non-functional descriptive material" and is "not functionally involved in the steps recited nor do[es it] alter the recited structural elements" and as such, has no patentable weight. (Office Action, page 5.) Applicants respectfully disagree.

The "interlocked polygons" language in claim 1 describes the "business view" that is being claimed. Specifically, the interlocked polygons illustrate "interactions between the participants" and define "the participants for the interactions." Thus, contrary to the statements in the Office Action, the "interlocked polygons" language is functionally involved in the steps recited and is entitled to patentable weight.

In addition, neither *Flores* nor the *Business Wire Article* teaches or suggests "deriving an interaction view from the business view . . . the interaction view depicting additional information between the participants," as required by claim 1. Although the Office Action admits that *Flores* "fail[s] to teach deriving an interaction view from the business view . . . the interaction view depicting additional information between the participants," the Office Action asserts that the *Business Wire Article* teaches that feature. (Office Action, page 6.) However, the *Business Wire Article* is directed to helping a network manager analyze trends in a network and does not teach or even suggest "assisting collaboration between participants in a business community," as recited in claim 1 (*See* page 1.) Specifically, nothing in the *Business Wire Article* teaches or suggests "deriving an interaction view from the business view . . . the

interaction view depicting additional information between the participants" to assist "collaboration between participants in a business community," as required by claim 1.

In sum, neither *Flores* nor the *Business Wire Article* teaches or suggests, either singly or in combination, the features recited in claim 1.

With respect to independent claims 6, 21, 26, 40, and 55, because these claims recite features similar to claim 1, they are also allowable. In addition, these claims are also allowable because they recite other features that are not taught or suggested by *Flores* or the *Business Wire Article*. For example, with respect to claim 21, neither *Flores* nor the *Business Wire Article* is directed to a "method of displaying a value chain optimization in a collaborative business scenario" that comprises, *inter alia*, "displaying a first view . . . including business benefits of the collaborative business scenario . . . shown in a vertical arrangement."

Finally, claim 24, the only other independent claim in this application, recites a combination of features including "accepting, into a data processing system," certain kinds of information and "creating a collaboration for sharing a portion of the information accepted." Neither *Flores* nor the *Business Wire Article* teaches or suggests, either singly or in combination, at least this combination of features. For example, neither *Flores* nor the *Business Wire Article* teaches or suggests, either singly or in combination, "accepting, into a data processing system," the kinds of information recited in claim 24, such as information "identifying a collaborative business". In addition, nothing in *Flores* or the *Business Wire Article* teaches or suggests "creating a collaboration for sharing a portion of the information accepted." Accordingly, claim 24 is also allowable.

The Office Action points to certain portions of *Flores* and asserts that those portions teach or suggest some of the features recited in claim 24. However, Applicants have reviewed *Flores* and do not agree that *Flores* teaches or suggests these features. For example, the Office Action points to col. 3, lines 1-23, and col. 4, lines 22-52 of *Flores* and asserts that these portions of *Flores* teach "creating, in a data processing system, a collaboration for sharing a portion of the information accepted." (Office Action, page 12.) Applicants have reviewed these portions of *Flores* and submit that these portions of *Flores* neither teach nor suggest this feature.

As for dependent claims 2-5, 7-20, 22-23, 25, 27-39, 41-53, and 56-57, these claims are allowable at least because they depend from claims 1, 6, 21, 24, 26, 40, or 55, which are allowable for the reasons set forth above.

In view of the foregoing remarks, Applicants respectfully request withdrawal of the rejections, reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 2, 2004   By _____
Naveen Modi
Reg. No. 46,224